

Docket No.: 50060-034

Rec'd PCT/PTO 13 APR 2000

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

#4

In re Application of

Nicholas Dominic WELLS, et al.

Intl Application PCT/GB98/00226

Serial No.: 09/355,268

Filed: July 27, 1999

For: AUDIO COMPRESSION

**REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT  
AND PETITION FOR REVIVAL**

Assistant Commissioner for Patents  
Washington, DC 20231

**ATTN: Box PCT**

Sir:

**RECEIVED**

**09 FEB 2001**

**Legal Staff  
International Division**

We are in receipt of the Notification of Abandonment for the above identified application mailed April 5, 2000. The Notice indicates the above-identified application is abandoned in view of Applicant's failure to timely respond to the Notification of Missing Requirements form mailed August 19, 1999.

**It is respectfully submitted that the Notification of Missing Requirements dated August 19, 1999 was never received in our office** and therefore never processed within our docketing system. We conducted a thorough search of all docketing systems to determine if the Notification of Missing Requirements was ever received. All dockets failed to indicate the Missing Requirements Notice was ever received. Enclosed are copies of our Docketing Departments Docket for this application and also a copy of the page from the Docket Book of our Applications Department for the due date of

September 19, 1999. **Each of these docket entries evidence the Notification of Missing Requirements was not received in our office.** (You will note from the September 19, 1999 Docket, we did receive a Notification of Missing Parts mailed August 19, 1999 in Our Ref 50060-032 , Serial Number 09/214,897, and filed a Response on August 26, 1999.)

Since we had not received any Missing Requirements Notice in Serial No. 09/355,268, on February 28, 2000, we filed the attached Status Inquiry and Request for Filing Receipt and Notification of Missing Requirements as evidenced by the stamped postcard acknowledgement.

In addition on March 30, 2000 our IP Paralegal Manager spoke to Ms. Russell of the PCT Division inquiring about the status of this application. She was informed at that time that Shakeel Ahmed was handling this case and nothing had been done on the application yet.

As evidenced, it is believed the Missing Requirements was never received in our office and it is requested that this Petition alleging non-receipt of the Notification of Missing Requirements be treated as a Request to Withdraw any Holding of Abandonment and the Petition Fee be refunded. It is believed that this Petition supports the revival of this application abandoned unavoidably due to the non-receipt of the Notification of Missing Requirements.

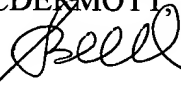
It is respectfully requested that the Notification of Abandonment be rescinded and the application returned to pending status.

In response to the Notification of Missing Requirements, attached hereto is the executed Declaration. Also attached are the Assignment and Request for Recordation and an Information Disclosure Statement together with the PTO-1449 and references.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including petition or extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

  
Stephen A. Becker  
Registration No. 26,527

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000, SAB:llm  
**Date: April 12, 2000**  
Facsimile: (202) 756-8087

## Country Application

11-Apr-00

**Client-Matter:** 050060-0034      **Country:** US      **SubCase:** 003  
**Family Number:** 050060-0034      United States of America  
**Case Type:** ORD      **Application Status:** Pending  
**Application Number:** 09/355,268      **Filing Date:** 27-Jul-1999  
**Patent Number:**      **Issue Date:**  
**Publication Number:**      **Publication Date:**  
**Priority Number:**      **Priority Date:**  
**Tax Schedule:**      **Expiration Date:**  
**Reel & Frame:**      **Tax Start Date:**  
**Agent:**  
**Agent Reference Number:**

### List Of User Actions

Action(s) Due	Due Date	Action Taken
NEW UTILITY APPLICATION, FORM	27-Jul-1999	PARADOX!! 27-Jul-1999
REPLY TO NOT. OF ABANDONMEN	17-Apr-2000	Due Date
INF. DISC. STMT. DUE	27-Apr-2000	Due Date
F/R OR NOTICE OF MSSG PARTS?	28-May-2000	Due Date

### Remarks:

**User ID:**      **Date Created:** 15-Nov-1999      **Last Update:**

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SEPTEMBER

19

SUNDAY

1999 262nd day - 103 days follow

Yom Kippur begins at sundown

~~52967-056~~ TDS

~~50060-032~~

~~Due Date~~

8/24 DB

7-29-99  
Kin ~~Fukami~~ NCD 49657-450  
99904-11  
amo 9/20/99

~~Fukami~~ NCD 49657-477  
999101-01

50380-043 Supp JDS 9.2 amo

9/20/99 ~~Fukami~~ NCD 49657-494  
999061-01

50884-078 NCD 502 Kin 9/20/99

9-20-99  
6.1 ~~542.5/011~~ NCD Libera ~~1072-107~~

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down

Yom Kippur

MONDAY 20 SEPTEMBER

7-29-99  
Kin ~~Fukami~~ NCD 49657-450  
amo 9/20/99 999024-1  
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50380-043 Sup IDs 9.2 amo

9/20/99 ~~Fukami~~ NCD 49657-494  
999061-01

50884-018 NCD Joe Kim 9/20/99

9-20-99  
Kin 542-51011 NCD Libera ~~to 7 20 99~~